

REQUEST FOR RECONSIDERATION
Application No. 09/429,028

over Petersen in view of Subbiah and Gritton (USP 5,940,397). Applicant respectfully submits that claims would not have been rendered obvious in view of the combined references.

Independent claim 14 is directed to “[a] method for generating ATM cells for low bit rate applications”. Claim 14 recites:

scheduling transmission times for ATM cells in a way that as long as there is data available from at least one of a plurality of low bit rate connections, the transmission times are spaced according to a cell rate negotiated for a ~~the~~ corresponding ATM connection; and

multiplexing the low bit rate connections into the ATM connection so that the ATM cells are transmitted at scheduled transmission times.

Independent claims 22-24 recite limitation similar to claim 14 but in apparatus format.

Applicant respectfully submits that neither Petersen nor Subbiah teaches or suggests that “the ATM cell transmission times are spaced according to a cell rate negotiated for the corresponding ATM connection”, as claimed.

As discussed at column 3, lines 43-59 of Subbiah:

- if a user has requested a stringent delay (i.e. no delay), a packet belonging to this user will be transmitted immediately on the ATM connection;
- if a user has specified a delay, e.g. 4 ms of packing time, then a packet belonging to this user will be retained in a ATM cell only 4 ms before being transmitted.

Accordingly, Subbiah teaches that for the ATM connection (on which the packets belonging to these users are multiplexed), the ATM cells will not be spaced according to a cell rate negotiated for this ATM connection. Instead, depending on the QoS requested by

REQUEST FOR RECONSIDERATION
Application No. 09/429,028

the users, sometimes there may be, for example, no delay, or sometimes there may be for example a delay of 4 ms, etc.

Furthermore, the AAL2 Negotiation Procedure (ANP) mentioned in Subbiah is a negotiation procedure at AAL2 level which takes into account the QoS requirements for each individual user, i.e., for each "low bit rate connection". On the contrary, the negotiation referred to in the claims of the present application is a negotiation at ATM level, i.e., at the level of the ATM connection on which a plurality of low bit rate connections is multiplexed. Indeed, the negotiated cell rate mentioned in the claims is a cell rate negotiated for the corresponding ATM connection.

In response to the arguments for patentability in the September 2, 2004 Amendment, the Examiner cites claim 1 of Subbiah for allegedly disclosing "scheduling transmission times for ATM cells in a way that as long as there is data available from at least one of a plurality of low bit rate connections, the transmission times are spaced according to a cell rate negotiated for a corresponding ATM connection." In particular, the Examiner asserts:

[claim 1 of Subbiah discloses that] if the QoS/cell rate negotiated is CBR (as described in col. 7, lines 59-67 and claim 1), the ATM cells with common QoS requirement are queued into one queue, and then multiplexed and then are transferred (claim 1) and spaced (according to the QoS requirement) for a corresponding connection from a local peer entity to the remote peer entity. Thus, the transmission times for packets (each ATM cell) are spaced (constantly) according to the CBR negotiated for a corresponding connection as long as there is data available from one

REQUEST FOR RECONSIDERATION

Application No. 09/429,028

low bit rate connection. Thus, Subbiah discloses and/or suggest the claimed limitation.¹

Accordingly, it appears that the Examiner is confusing spacing of the packets with the transmission times of the ATM cells. That is, although the packets are inserted into the ATM cell based on the QoS requirements of packets, the ATM cells will not be spaced according to a cell rate negotiated for the ATM connection. Instead, the ATM cells will be transmitted a different times which vary based on how long it takes to fill the ATM cells with packets awaiting transmission and the QoS requirements for the different packets.

In view of above, Applicant respectfully submits that claims 14-24 should be allowable because the cited references, alone or combined, do not teach or suggest all of the features of the claimed invention, and one of ordinary skill in the art would not have been motivated to combine and modify the cited references to produce the claimed invention.

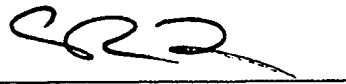
Reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

¹ December 29, 2004 Office Action at pages 8 and 9.

REQUEST FOR RECONSIDERATION
Application No. 09/429,028

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Christopher R. Lipp
Registration No. 41,157

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: May 31, 2005